

REMARKS

Applicants' agents wish to thank Examiner Prone for the opportunity to discuss this matter on February 16, 2007.

Claims 1-11, 17-24 and 45-50 remain in the case. Claim 1 has been amended further to the above-noted discussion with the Examiner, to further recite "in its entirety".

Concerning 35 USC § 103

The Examiner has rejected claims 1-15, 17-24 and 45-50 as being allegedly unpatentable over Altman (US Patent No. 6,287,340) in view of Caplan et al. (US Patent No. 5,855,619). In response, Applicants respectfully refer to the remarks of their submission of June 15, 2006, as well as the following.

Claim 1 has been amended to further recite "in its entirety" as per the Examiner's suggestion.

As noted in the response of June 15, 2006, Applicants respectfully submit that Altman discloses "dehydrothermal crosslinking" treatment only with respect to the collagen of Altman's "matrix". Caplan fails to disclose or suggest such a "dehydrothermal" treatment.

In contrast, claim as amended 1 recites that the "implant in its entirety is dehydrated or lyophilized", i.e., the implant comprising (a), (b) and (c) as recited in current claim 1.

Applicants respectfully submit that, as per §2143.03 of the MPEP, in order "to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art". Since Altman and Caplan do not teach or suggest dehydration or lyophilization of an implant as recited in instant claim 1, they do not teach or suggest every element of independent claim 1. Applicants therefore respectfully submit that *prima facie* obviousness of claim 1 cannot be established in view of Altman and Caplan. The remaining claims, which depend directly or indirectly from claim 1 and thus incorporate its subject matter therein, are also not obvious in view of Altman and Caplan. In view of the

foregoing, Applicants respectfully submit that the claims are inventive over Altman and Caplan, and reconsideration and withdrawal of the rejection is respectfully requested.

It is believed that the foregoing responds to all of the Examiner's concerns, however if the Examiner has any further questions, he is invited to contact the undersigned. The timely issuance of a Notice of Allowance is respectfully requested. Further, if the Examiner does not consider that the application is in a form for allowance, an interview with the Examiner is respectfully requested.

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Respectfully submitted,

By 

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